IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2385 OF 2005

Futuristic Offshore Services and Chemicals Ltd. & Ors. ...Applicants

Versus

State of Maharashtra & Anr. ...Respondents

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Mr. Manish Bohra i/b M/s. A.S. Khan, Advocate for Applicants.

Mr. S.G. Bhandary i/b Bhandary and Bhandary, Advocate for Respondent No.2.

Ms. S. V. Gajare, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 13TH JUNE, 2005

P. C.:-

1. Heard both sides.

2. The applicants have prayed for quashing of process issued against them in Criminal Complaint No.610/SS of 2005 which is pending in the Court of learned Metropolitan Magistrate, 13th Court, Dadar, Mumbai. In the said case, process has been issued against the applicants under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 8th

June, 2005 passed in Criminal Application No.645 of 2005 and order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005, the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer revision before the concerned Sessions Court. The learned advocate for the applicants states that the the necessary revision will be filed within a period of six weeks from today. The learned advocate for the applicants further states that the applicants are not in Mumbai at present. In this view of the matter, the applicants are exempted from personal appearance before the trial Court during the pendency of revision.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing the necessary parties.

6. Criminal application is disposed of.

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